

**Town of Milton
Town Council Meeting Minutes
June 7, 2004**

7:15 – 7:30 p.m. OPEN FLOOR:

James C.L. Brown – requesting that Council take action to include in the Charter reference to Milton’s namesake, John Milton. Mayor Bushey referred this to Committee.

Derek Hopley – regarding Dogfish Head. He is a friend of Sam Calagione’s and a Milton homeowner. He asks that the Town support Dogfish Head given the growth of the Town.

Mayor John F. Bushey called the regular meeting to order at 7:30 p.m. at the Fire Hall on Front Street.

Councilwoman Betts offered the opening prayer.

Mayor Bushey called the roll.

PRESENT: Mayor John Bushey
Councilwoman Leah Betts
Councilman Jerry Hudson
Councilman Gene Dvornick
Councilwoman Ronda Melson
Councilman Charles Fleetwood
Councilman Noble Prettyman (7:37 p.m.)

Others Present: Jocelyn Jenkins, Town Clerk
Eric Evans, Code Enforcer
Stephanie Coulbourne, Finance Clerk
Dawn Johnson, Administrative Assistant
William Phillips, Police Chief
Bob Kerr, Engineer
Scott Hoffman, Engineer
Tim Willard, Town Attorney

Presentation and Approval of Minutes

Councilwoman Betts made a *motion* to approve the minutes of the May 3, 2004 regular meeting, seconded by Councilwoman Melson.

Councilman Hudson asked that on Page 6 of the May 3 minutes it be noted with regard to the alley clean-up that Council explore deeding it to the property owners.

Motion carried – “Aye”

Mayor Bushey stated that the pledge will be added to next month's agenda. He also noted that approval of the treasurer's report and monthly bills will be removed from next month's agenda.

Approval of Treasurer's Report

Councilman Hudson made a ***motion*** to approve the treasurer's report in printed form, seconded by Councilman Dvornick.

Motion carried – "Aye"

Presentation and Approval of Monthly Bills

Councilman Fleetwood made a ***motion*** to pay the monthly bills as money becomes available, seconded by Councilman Prettyman.

Motion carried – "Aye"

Committee Reports

Sewer & Water – Councilwoman Melson reported that the Committee met on May 11 and June 1. The Committee is continuing to explore options for treatment and disposal. Several offers have been brought before the Committee. The Committee asks that the Mayor appoint a liaison for land acquisition. Also, repairs on water service on Union Street are necessary. Councilwoman Melson also reported that Dogfish Head wants to come back on line. It is hoped that a temporary solution can be reached until they can go on line with the new plant.

Streets & Sidewalks – Councilwoman Betts reported that the Committee met on May 7 and June 2. The property owners backing up to Plum Alley would like the alley to be opened or deeded to the property owners. With regard to the request for a 4-way stop and lowering the speed limit on Tilney and Reed Streets, the Committee recommended moving the children at play sign closer to Mulberry Street. With regard to Orchard Street Ext., it was recommended that blacktop and curbs be done as soon as possible. The Committee recommended that Town ask the Boy Scouts to help plant the Cypress trees at the Wastewater Treatment Plant on Front Street. The paving of Bay and Marshall Streets is set to begin in mid-June. The painting of the curbs on the west side of Chestnut Street for no parking will be painted in the next few weeks. The street lights that were approved have been installed. The Committee also recommends that the electric be put in on Frederick when the sewer is put in. The request for a street light on Lake Drive has been withdrawn, however, the Committee still recommends it for safety reasons. The Committee also discussed fencing the parking lot across from the Fire Hall. This item was tabled until it is discussed with the Fire Hall.

Ordinance – This will be addressed under Old Business.

Personnel/Pension – Councilman Hudson reported that the Committee has begun meeting with the "rank and file" employees. The Committee has already met with the Town Hall employees and Eric. They are in the process of scheduling a meeting with the

Maintenance employees. The Committee recommends establishing an employee recognition program with quarterly recognition and hosting a Christmas party.

Parks & Recreation – Councilman Fleetwood reported that the concerts started last week. Concerts are every Wednesday at 7 p.m. until Labor Day. The sponsors were very generous. He thanked the sponsors. A concert schedule was sent to all residents in the 19968 zip code.

Economic Development – No report

ADHOC Historic Preservation – The Committee met May 13, 2004 at Town Hall at 6:30 p.m. Councilman Dvornick drafted a resolution that the Committee agrees to support, however, the Committee has concerns regarding secondary structures and the resolution only addresses primary structures. The Committee also agreed to do its best to meet the deadline. The next meeting is scheduled for June 10 at 6:30 p.m. at Town Hall.

Planning & Zoning – No report.

Board of Adjustment – No report.

Finance – Councilman Dvornick reported that the Committee met on May 26. CapSoft is up and running. The 2003 budget year has been closed in Main Street. The next meeting is June 23 at 6:30 p.m. at Town Hall.

200th Anniversary – Councilman Fleetwood reported that there has been no response to the logo contest. The contest ends June 15. The Committee will hold its next meeting after June 15.

Police Building – A letter has been received from Cannery Village regarding a police building and will be discussed in Executive Session.

Written Reports

Maintenance Report

Councilman Fleetwood made a **motion** to approve the report from the Maintenance Department, seconded by Councilman Prettyman.

Motion carried – “Aye”

Code Enforcer Report

Councilman Fleetwood made a **motion**, seconded by Councilman Dvornick, to approve the Code Enforcer’s Report.

Motion carried – “Aye”

Mr. Evans reported that he is in the process of cross referencing rental properties for licenses.

Police Department Report

Councilwoman Melson made a **motion**, seconded by Councilman Hudson, to approve the Police Department Report.

Motion carried – “Aye”

Councilwoman Betts noted that the new format of the report is very well done.

Councilman Hudson and Councilman Prettyman noted that it is good to see the Chief back.

Town Clerk Report

Councilman Fleetwood made a **motion** to approve the Town Clerk’s report, seconded by Councilwoman Betts.

Motion carried – “Aye”

Correspondence

Councilwoman Melson read letters from:

1. Michael Filicko – requesting a leave of absence from his duties on the Planning & Zoning Commission for June, July & August.
2. Blake Reed of Reed Trucking – in support of increasing the wastewater treatment facility in the Town.
3. Barbara Brown of the Office of the Governor – thanking the Mayor for his letter regarding cleaning up the Broadkill River. (Councilman Hudson noted that it is his understanding that there was a problem with the “tugs” and a new boat is on the way.)
4. Open House at Acorn Acres on June 11 from noon to 2 p.m.
5. James Short of DNREC Air & Waste Management – encouraging municipalities to donate or recycle their outdated electronic equipment.
6. Volunteers needed for Operation Diamond Shield on June 13 from 8 a.m. to noon.

Old Business

Update on Lake Drive Street Lights

Councilwoman Betts made a **motion** that we notify the property owners on Lake Drive regarding the possibility of installing street lights, seconded by Councilman Prettyman.

Motion carried – “Aye”

Adoption of Animal Ordinance

The Committee met with the Cat Snippers and agreed on the “cat” ordinance wording.

Councilman Fleetwood made a **motion** to adopt the ordinance as presented. Councilman Dvornick seconded the motion.

Councilman Hudson asked a question regarding trapping of feral cats by the Animal Control Officer. He asked who the Animal Control Officer was. Mayor Bushey appointed the SPCA as the Animal Control Officer.

The question was called on the motion.

Motion carried – “Aye”

Councilman Fleetwood made a ***motion***, seconded by Councilman Dvornick, to accept the letter from the Cat Snippers regarding control of the feral cat population in Milton for a term of one year.

Motion carried – “Aye”

Memorandums of Understanding

Councilwoman Melson made a ***motion*** to sign the six Memorandums of Understanding (Admiral’s Quarters, Chestnut Crossing, Merriweather Development, Mulberry Gardens, Preserve on the Broadkill, & Wagamon’s West Shore) that have been received, seconded by Councilman Hudson.

Motion carried – “Aye”

No Parking Ordinance

Councilwoman Melson made a ***motion*** to accept the additions, seconded by Councilwoman Betts.

Motion carried – “Aye”

Acceptance Petition Regarding Moratorium on Demolition of Homes in Historic District

Councilman Dvornick made a ***motion*** to accept the petition presented during Open Floor at last month’s meeting. Councilman Hudson seconded the motion.

Motion carried – “Aye”

New Business

Resolution Regarding Demolition of Homes in the Historic District

Councilman Dvornick read a resolution. It was noted that the Historic Preservation Committee agrees with the resolution.

Councilman Fleetwood noted that Stephanie Parker made a good point to include accessory buildings. Councilman Dvornick agrees. This item will be on the JULY agenda.

Property Tax Appeals

None were received.

Charter Change – Enumerated Powers

Mr. Willard reported. He will ask Representative Carey and Senator Adams to sponsor it, and he will be the messenger.

Councilman Fleetwood made a **motion** to accept Mr. Willard's recommendation, seconded by Councilwoman Melson.

Motion carried – 7 Aye (by Roll Call vote)

Councilman Fleetwood made a **motion** to include Mr. Brown's suggestions to incorporate John Milton into the Charter, seconded by Councilwoman Betts.

Councilman Prettyman thinks more research should be done to make sure this is the John Milton.

Mr. Brown just thinks it is important that we value our "linkage" to John Milton, poet and educator.

Councilman Hudson stated that it is a "ceremonial" charter change. He asked Mr. Willard if that will hinder the other change. Mr. Willard stated it would not.

The question was called on the motion.

Motion carried – 5 Aye
2 No (Prettyman, Dvornick)

Engineering Services Agreement for Development of Town Standards

It was noted that Council has copies of the agreement for development of Town Standards.

Councilman Fleetwood made a **motion** to accept the agreement (and as Treasurer to take it out of the transfer tax account), seconded by Councilwoman Melson.

Councilman Dvornick stated that a budget amendment is also necessary. Mayor Bushey stated that the general fund has excess in property tax. Councilman Hudson noted there is excess in the transfer tax account as well.

The question was called on the motion.

Motion carried – "Aye"

Annexation of Enclaves

Councilman Hudson made a **motion** to send a letter of support and include our questions regarding impact fees, etc. and stating that our support is contingent upon such concerns. Councilman Prettyman seconded the motion.

Councilman Fleetwood noted that he doesn't think we should "force" anyone to come in.

The question was called on the motion.

Motion carried – 5 Aye
2 No (Betts, Fleetwood)

Dogfish Head Brewery Request – Sam Calagione

Mr. Calagione gave a presentation. (A copy of Dogfish Head's presentation and request is included with official minutes.)

Gary Smith of the Delaware Economic Development Office stated that it is in the best interest to vote positively to keep Dogfish Head in the Town/State.

Steve Masten of the Sussex County Economic Development Office also gave a presentation.

Councilman Fleetwood asked Mr. Kerr if we can do #1. Mr. Kerr stated yes.

Councilman Fleetwood asked Mr. Kerr if we can do #2 by August. Mr. Calagione noted that he is willing to grapple with it first and present it to Mr. Willard and Mr. Kerr. Mr. Willard stated then yes he could review it by August.

Councilman Dvornick asked Mr. Kerr if there is anything Council can do to expedite the DNREC process? Mr. Kerr stated that we already wrote a letter and await a response. Mr. Draper suggested that someone make a phone call.

Councilman Fleetwood made a **motion** to proceed with the request from Dogfish Head and authorize Tim Willard and Bob Kerr to work out an agreement with Dogfish Head with all due speed, seconded by Councilwoman Betts.

Motion carried – "Aye"

Chestnut Properties, LLC – EDU's

Colby Cox requested that Chestnut Properties be granted the ability to purchase up to 121 additional EDU's for the remaining units preliminarily approved in Phase IIIA of Cannery Village.

Councilman Fleetwood asked Mr. Kerr how many were left? Mr. Kerr stated that 642 have been sold. He would recommend not doing anything until we see how it settles out.

Mr. Cox asked that when and if a priority list is established that the 121 approved units be placed on “vested” property list as of May 12 (the date on the original letter).

Councilman Fleetwood thinks that is reasonable. He would hate to take money when we don’t know if we have it.

Councilman Hudson noted that a more fair date would be the date of preliminary approval. Councilman Fleetwood thinks that is reasonable.

Conditional Use for 606 Federal Street – Cannery Village

Mr. Evans noted that Planning & Zoning held a public hearing Council has Planning & Zoning’s recommendations.

Councilman Fleetwood made a **motion** to accept the recommendations from Planning & Zoning. The recommendations are: 1. maximum # of employees is 3; 2. hours of operation are 7 a.m. to 7 p.m.; 3. signage will adhere to Section 8.1; and 4. must be used as a licensed professional office. Councilman Prettyman seconded the motion.

Motion carried – 6 Aye
1 Abstain (Dvornick)

Alley on Behringer Avenue

This item was discussed. Councilwoman Betts suggested that we grade it and open 10’ for public use from Atlantic Avenue to Chandler Street.

Mayor Bushey suggested a letter to property owners stating that the Town is considering opening the alley. Mr. Evans raised a question as to whether or not the property owners could then subdivide.

This item was deferred to Mr. Willard and tabled until the JULY meeting.

Councilman Hudson asked that we also get a cost to “deed” it to the property owners vs. opening it up.

Consideration of Temporary Stop on Demolition Permits in the Historic District

Councilman Dvornick noted that this would just be pending approval of a resolution.

Councilman Dvornick made a **motion** that no demolition is to occur in the Historic District without the permission of Council, seconded by Councilman Fleetwood.

Motion carried – “Aye”

Union Street Water Services

Councilwoman Melson made a motion to put the repair of the water services on Union Street from Willow out for bid and using transfer tax funds. Councilman Fleetwood seconded the motion.

Motion carried – “Aye”

Employee Recognition

Councilman Hudson made a **motion** to authorize the Personnel Committee to begin an employee of the quarter program (to include a certificate, paid day off, and an employee recognition/Christmas banquet). Councilman Prettyman seconded the motion.

Motion carried – “Aye”

Appointment of a Land Acquisition Committee

Councilmen Dvornick and Prettyman agreed to serve.

Goals & Objectives

A workshop will be held to discuss.

Executive Session

Councilman Fleetwood made a **motion** to go into Executive Session to discuss property acquisition and/or personnel, seconded by Councilwoman Betts

Motion carried – “Aye”

Council went into Executive Session at 9:50 p.m.

Respectfully submitted,

Dawn Johnson
Administrative Assistant

:6/30/04